REMARKS

Claims 1-8 are pending and have been examined in the present application.

Claims 1-8 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,853,268 to Harada in view of U.S. Patent No. 5,747,396 to Miyakoshi et al. or Umeda et al. (JP03-218944). Applicants respectfully traverse this rejection.

Among the limitations of independent claims 1 and 6 which are neither disclosed nor suggested in the art of record is an electronic component/noise filter which includes a nonmagnetic member having a glass ceramic composite composition with crystallized glass as a main component, "the crystallized glass containing 25 percent by weight to 55 percent by weight of SiO_2, 30 percent by weight to 55 percent by weight of MgO, 5 percent by weight to 30 percent by weight of Al_2O_3, and 0 percent by weight to 30 percent by weight of B_2O_3."

As admitted on page 2 of the Office Action, none of claims 1-22 of Harada include the specific composition for the glass ceramic composite required by independent claims 1 and 6. The Office Action then relies on the teachings of Miyakoshi et al. or Umeda et al. as showing the claimed glass ceramic composite. Applicants respectfully disagree.

In particular, Miyakoshi et al. teaches a glass composition having only 3 to 11 mol % of MgO, which is significantly lower than the 30 to 55 wt % of MgO required by independent claims 1 and 6. Similarly, Umeda et al. teaches that the glass composition

includes 7 to 25 wt % of MgO, which is lower than the 30 to 55 wt % of MgO required by independent claims 1 and 6.

Therefore, even if one were to combine the teachings of Harada, Miyakoshi et al. and/or Umeda et al. as suggested in the Office Action, the resulting glass ceramic composition would have a much lower MgO content and thus, be different than that required by independent claims 1 and 6. Accordingly, reconsideration and withdrawal of the rejection of claims 1-8 under the judicially created doctrine of obviousness-type double patenting is respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,453,316 to Morii et al. or U.S. Patent No. 5,051,712 to Naito et al. in view of Miyakoshi et al. or Umeda et al. Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harada in view of Miyakoshi et al. or Umeda et al. Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,602,517 to Kaneko et al., U.S. Patent No. 5,583,470 to Okubo or U.S. Patent No. 6,871,391 to Tokuda et al. in view of Miyakoshi et al. or Umeda et al. Applicants respectfully traverse these rejections.

Initially, Applicants respectfully submit that the use of the Harada and Tokuda et al. references in an obviousness rejection under §103 is improper. Effective November 29, 1999, 35 U.S.C. §103(c) provides that subject matter developed by another which qualifies as prior art only under one or more of subsections 35 U.S.C. §102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under §103, provided the subject matter and the claimed invention were

commonly owned at the time the invention was made or subject to an obligation of assignment to the same person.

The present application is assigned to the Murata Manufacturing Co., Ltd., and was filed on April 21, 2004. Harada and Tokuda et al. are patents which are assigned to the Murata Manufacturing Co., Ltd., and list different inventors than the present application. Harada has a filing date of August 21, 2003, and an issue date of February 8, 2005. Tokuda et al. has a filing date of November 9, 2001, and an issue date of March 29, 2005. Thus, Harada and Tokuda et al. are §102(e) references and should not be considered by the Examiner in determining obviousness of the present application under §103.

Turning to the other references, the Office Action admits (on pages 4 and 7) that neither Morii et al., Naito et al., Kaneko et al. nor Okubo teach or suggest the glass ceramic composite composition defined in independent claims 1 and 6. In view of the deficiencies in these references, the Office Action relies on the teachings of Miyakoshi et al. or Umeda et al. as showing the claimed glass ceramic composite composition.

For the same reasons as set forth above, Applicants respectfully disagree. Specifically, Miyakoshi et al. and Umeda et al. teach glass compositions that have a lower wt % of MgO than the 30 to 55 wt % of MgO required by independent claims 1 and 6. Therefore, even if one were to combine the teachings of Morii et al., Naito et al., Kaneko et al., Okubo, Miyakoshi et al. and/or Umeda et al. as suggested in the Office Action, the resulting glass ceramic composition would have a much lower MgO content and thus, be different than that required by independent claims 1 and 6. Accordingly, it is respectfully submitted that independent claims 1 and 6 patentably distinguish over the art of record.

Claims 2-5 depend either directly or indirectly from independent claim 1 and include all of the limitations found therein. Claims 7-8 depend directly from independent claim 6 and include all of the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 2-5 and 7-8 are likewise patentable.

In view of the foregoing, favorable consideration and allowance of the present application with claims 1-8 is respectfully and earnestly solicited.

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Respectfully submitted,

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